

UNITED STATES

**RULING: Government
Motion to Reconsider Ruling:
Department of State Damage
(DOS) Assessment**

DATED: 11 May 2012

The Court has examined both the classified letter and the classified DOS Damage Assessment and finds that the DOS Damage Assessment is a draft damage assessment. The fact that it is a draft does not make the draft speculative or not discoverable under RCM 701.

RULING: The Government Motion to Reconsider the Court's ruling of 23 March 2012 with respect to the DOS Damage Assessment is **GRANTED**. Having reconsidered the 23 May 2012 ruling, the Government Motion to Find the DOS Draft Damage Assessment not discoverable is **DENIED**. The Government will comply with the 23 March 2012 ruling of the Court.

So Ordered this 11th day of May 2012.

A handwritten signature in black ink, appearing to read 'DL', is positioned above the printed name.

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit